

U.S.A. vs Clarence James Smith

NO.

08CR0583-WH

The Court finds excludable delay, under the section indicated by check (),
commenced on 3-6-08 and ended on 3-11-08; (X) (X) ()
and ended on _____ ()

3161(h)

(1)(A) Exam or hrg for **mental or physical incapacity**

(1)(B) **NARA examination** (28:2902)

(1)(D) State or Federal trials or **other charges pending**

(1)(E) **Interlocutory appeals**

(1)(F) **Pretrial motions** (from flg to hrg or other prompt dispo)

(1)(G) **Transfers from other district** (per FRCrP 20, 21 & 40)

(1)(J) **Proceedings under advisement** not to exceed thirty days

 Misc proc: Parole or prob rev, deportation, **extradition**

(1)(H) **Transportation** from another district or to/from examination or hospitalization in ten days or less

X (1)(I) **Consideration by Court of proposed plea agreement**

 Prosecution deferred by mutual agreement

 Unavailability of defendant or essential witness

 Period of mental or physical incompetence of defendant to stand trial

 Period of NARA commitment or treatment

 Superseding indictment and/or new charges

 Defendant awaiting trial of co-defendant when no severance has been granted

 Continuances granted per (h)(8)-use "T" alone if more than one of the reasons below are given in support of continuance

 (8)(B)(I) 1) **Failure to grant a continuance** in the proceeding would result in a **miscarriage of justice** and the ends of justice outweigh the best interest of the public and the defendant in a speedy trial.
(Continuance - miscarriage of justice)

X 2) **Failure to grant a continuance** of the trial would result in a **miscarriage of justice** as the defendant has tendered a guilty plea to a magistrate judge and is awaiting a determination as to whether the plea will be accepted.
(Continuance - tendered a guilty plea)

 (8)(B)(ii) 2) **Case unusual or complex**

 (8)(B)(iii) 3) **Indictment following arrest cannot be filed in thirty (30) days**

 (8)(B)(iv) 4) **Continuance granted in order to obtain or substitute counsel or give reasonable time to prepare**
(Continuance re counsel)

 3161(I) **Time up to withdrawal of guilty plea**

 3161(b) **Grand jury indictment time extended thirty (30) more days**

Date 3-6-08

CAB
Judge's Initials